

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 647 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AYUB TALIFKHAN PATHAN

Versus

STATE OF GUJARAT

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Appearance:

MR SAURIN A SHAH for Petitioner

MR. AG URAIZEE, LD. APP with MR. MR ANAND, LD. PP for  
respondent no.1,

SERVED for Respondent No. 2, 3, 4, 5

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/08/96

ORAL JUDGEMENT

Both the learned advocate for the petitioner as well as LD. APP for the State submit that reasoned order may not be passed.

In the facts of the case, following directions are required to be issued :-

On the petitioner's executing a bond in the sum of Rs.1,00,000/- (Rupees one lac only) before the respondent no.2 within 15 days from today, as also on his filing an undertaking for complying the conditions as imposed, before this Court within 15 days from today, the truck bearing registration No. GJ-6T-3102 be entrusted to the custody of the petitioner on the following conditions :-

- (1) The vehicle will not be transferred in any manner whatsoever and its possession also shall not be parted with without express written permission of the concerned Deputy Conservator of Forest.
- (2) The vehicle in question will be maintained in roadworthy condition till the final order is passed and it will be produced before the Respondent No.2 once in a month.
- (3) The petitioner will not raise any dispute and he shall surrender the truck to the Respondent No.2 if the final order is passed in favour of the State and respondents would be entitled to proceed further in accordance with law.
- (4) The petitioner will not replace any parts of the truck without the prior permission of the concerned Respondent who shall for the purpose of ensuring the observance of this condition draw up a Panchnama in the presence of the petitioner mentioning chassis number, engine number, etc. before the truck in question is entrusted to the petitioner.
- (5) The petitioner shall attend the Confiscation proceedings before the Competent Authority as and when required and will cooperate with him to enable him to finally dispose of the proceedings at the earliest.
- (6) The petitioner will surrender the vehicle in question within 15 days from the date of the order of the competent authority, unless he produces an order of stay from the higher authority.
- (7) It is made clear that if the same truck is involved in similar offences once-again, the same will not be released.

It is clarified that the custody of the truck will be entrusted to the petitioner and seized goods, if any, which were being transported in the said vehicle will remain with the custody of the respondent concerned.

Rule made absolute in the aforesaid terms. D.S. permitted.

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